

**875—5.18(88) Consent findings and rules or orders.**

**5.18(1) *Negotiation by parties.*** At any time before the reception of evidence in any hearing, or during any hearing a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing examiner, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties and the probability of an agreement which will result in a just disposition of the issues involved.

**5.18(2) *Contents.*** Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

- a.* That the rule or order shall have the same force and effect as if made after a full hearing;
- b.* That the entire record on which any rule or order may be based shall consist solely of the application and the agreement;
- c.* A waiver of any further procedural steps before the labor commissioner or designee; and
- d.* A waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

**5.18(3) *Submission.*** On or before the expiration of the time granted for negotiations, the parties or their counsel may:

- a.* Submit the proposed agreement to the hearing examiner for consideration; or
- b.* Inform the hearing examiner that agreement cannot be reached.

**5.18(4) *Disposition.*** In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the hearing examiner may accept such agreement by issuing a decision based upon the agreed findings.